WY

(3)

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

ELAINE L. CHAO, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR,	:
Petitioner,	:
v.	: Misc. Civ. Action No.06-mc-134
E&R ERECTORS, INC., SAMUEL GROSSI & SONS, INC.	:
Respondents.	:

FILED
AUG - 4 2006
MICHAEL E. KUNZ, Clerk
By__________Dep. Clerk

ORDER

AND NOW, THIS THIRD DAY OF AUGUST, 2006, upon consideration of the Secretary of Labor's Petition to Enforce Administrative Subpoenas Duces Tecum, and after hearing, by agreement of the parties, ~~any response thereto~~, it is hereby ORDERED that said Petition is GRANTED, and further that:

1. On or before August 11, 2006, Respondent E&R Erectors, Inc. shall produce all documents within its custody, possession or control or within the custody, possession or control of its agents that are responsive to Request No. 4 of the Subpoena Duces Tecum issued on May 2, 2006.

2. On or before August 11, 2006, Respondent Samuel Grossi & Sons, Inc. shall produce all documents within its custody, possession or control or within the

8/4/06 mail
L. Thomasson
Grossi
Scheetz

custody, possession or control of its agents that are responsive to Request Nos. 12, 13, 14,[1] 18, 19 and 22[2] of the Subpoena Duces Tecum issued on June 9, 2006.

3. On or before August 11, 2006, a representative of E&R Erectors, Inc. with authority to speak for that Respondent, shall execute an affidavit stating under penalty of perjury that a search has been made for all documents responsive to the Subpoena Duces Tecum issued to that Respondent and that all existing responsive documents within Respondent's custody, possession or control or within the custody, possession or control of Respondent's agents, have been produced to the Occupational Safety and Health Administration.

4. On or before August 11, 2006, a representative of Samuel Grossi & Sons, Inc. with authority to speak for that Respondent, shall execute an affidavit stating under penalty of perjury that a search has been made for all documents responsive to the Subpoena Duces Tecum issued to that Respondent and that all existing responsive documents within Respondent's custody, possession or control or within the custody, possession or control of Respondent's agents, have been produced to the Occupational Safety and Health Administration.

---

[1] At this time, the Secretary does not require the production of documents related to how Respondent Samuel Grossi & Sons, Inc. calculated its bid related to the Drexel University Academic/Law Building Project (the "Project")

[2] The parties understand this request to seek a managerial hierarchy chart, documents related to any communications between Respondents related to the Project, documents relating to the payment of any employee of Respondent E&R Erectors, Inc. ("E&R") by Respondent Samuel Grossi & Sons, Inc. ("Grossi") during the time period during which E&R and/or Grossi were involved in the Project, documents relating to the payment of any employee of Grossi by E&R during the time period during which E&R and/or Grossi were involved in the Project (the "Time Period"), documents relating to the supervision of any E&R employee by any Grossi employee during the Time Period, documents relating to the supervision of any Grossi employee by any E&R employee during the Time Period, all documents containing the job descriptions of Grossi & E&R's employees applicable during the Time Period, and all change orders related to the Project.

BY THE COURT:

William H. Yohn, Jr.
United States District Court Judge